

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 7: Rio Brazos

Subfile No. CHRB-008-0001

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant:

NM STATE GAME COMMISSION

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Brazos, Section 7, and by their signatures appearing below, the State and the Defendant have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to elements of the claims of the Defendant adjudicated by this order.

4. The right of the Defendant to divert and use the public waters from the Rio Chama Stream System, Rio Brazos, Section 7, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer File No(s): 0477

Priority: Reserved for future determination by court order entered November 19, 2002.

Source of Water: Surface water of the Rio Brazos, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: PARKVIEW DITCH

Location: X= 1,571,054 feet Y= 2,087,568 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 NAD

Location and Amount of Acreage:

Within the Tierra Amarilla Grant 20.4 acres

Total 20.4 acres

As shown on the attached revised Hydrographic Survey Maps (2) for Subfile No. CHRB-008-0001

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

B. STORAGE IMPOUNDMENT (Surface Water Only):

Office of the State Engineer File No(s): 2181

Priority: July 27, 1937

Source of Water:

PARKVIEW DITCH: Surface water of the Rio Brazos, a tributary of the Rio Chama.

BURNS CANYON DRAW: a tributary of the Rio Chama.

SPRING NO. 11A: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 11B: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 12A: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 12B: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 12E: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 12F: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 12G: Surface water of a spring, a tributary of the Rio Chama.

Purpose of Use: FISH HATCHERY, DOMESTIC AND RECREATIONAL FISHING

Point of Diversion:

Ditch: PARKVIEW DITCH

Location: X= 1,571,054 feet Y= 2,087,568 feet

Spring: SPRING NO. 11A

Location: X= 1,546,475 feet Y= 2,082,159 feet

Spring: SPRING NO. 11B

Location: X= 1,546,402 feet Y= 2,082,052 feet

Spring: SPRING NO. 12A

Location: X= 1,545,736 feet Y= 2,081,432 feet

Spring: SPRING NO. 12B

Location: X= 1,545,816 feet Y= 2,081,160 feet

Spring: SPRING NO. 12E

Location: X= 1,545,604 feet Y= 2,081,182 feet

Spring: SPRING NO. 12F

Location: X= 1,545,603 feet Y= 2,081,131 feet

Spring: SPRING NO. 12G

Location: X= 1,545,536 feet Y= 2,081,162 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 NAD

Location of Impoundment:

Brood Pond No. 3, Parkview Fish Hatchery	11.6 acres
Within the Tierra Amarilla Grant	
Total	<hr/> 11.6 acres

As shown on the attached revised Hydrographic Survey Maps (2) for Subfile No. CHRB-008-0001

Amount of Water:

10 cubic feet of water per second continuously for the purpose of maintaining a storage of 96.7 acre feet of water in Brood Pond No. 3 (7 second feet of said water diverted from the Parkview/LaPuente Ditch and 3 second feet of said water derived from Burns Canyon Draw and Springs located on Parkview Fish Hatchery property); provided, the waters so diverted to be returned to the La Puente Ditch undiminished in quantity other than by evaporation.

C. PARKVIEW FISH HATCHERY (Surface Water Only):

Office of the State Engineer File No(s): 1971

Priority: October 10, 1931 (1,250 gallons per minute continuous flow)
 December 13, 1935 (750 gallons per minute continuous flow)

Source of Water:

SPRING NO. 11A: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 11B: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 12A: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 12B: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 12E: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 12F: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 12G: Surface water of a spring, a tributary of the Rio Chama.

Purpose of Use: FISH HATCHERY

Point of Diversion:

Spring: SPRING NO. 11A

Location: X= 1,546,475 feet Y= 2,082,159 feet

Spring: SPRING NO. 11B

Location: X= 1,546,402 feet Y= 2,082,052 feet

Spring: SPRING NO. 12A

Location: X= 1,545,736 feet Y= 2,081,432 feet

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Location: X= 1,545,604 feet Y= 2,081,182 feet

Spring: SPRING NO. 12F

Location: X= 1,545,603 feet Y= 2,081,131 feet

Spring: SPRING NO. 12G

Location: X= 1,545,536 feet

Y= 2,081,162 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 NAD

Location:

Parkview Fish Hatchery
Within the Tierra Amarilla Grant

As shown on the attached revised Hydrographic Survey Maps (2) for Subfile No. CHRB-008-0001

Amount of Water:

2,000 gallons per minute continuous flow year round, but not to exceed 3,250 acre-feet per annum; provided, the waters so diverted to be returned to the La Puente Ditch undiminished in quantity other than by evaporation.

5. Defendant has no surface water rights in the Rio Chama Stream System, Rio Brazos, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause; the water rights recognized herein does not include the right to divert and use water from Springs No. 12C, 12D or 12H, the locations of which are shown on the attached Hydrographic Survey Map 2 for Subfile CHRB-008-0001. These 3 springs are not presently included within Office of the State Engineer Licenses No. 1971 or 2181.
6. Defendants, his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the water rights described herein.
7. The water rights described herein are adjudicated subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

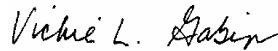
IT IS THEREFORE ORDERED that the right of the Defendant to divert and use the waters of the Rio Chama Stream System, Rio Brazos, Section 7, are as set forth herein. The Defendant, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

IT IS FURTHER ORDERED that the Court enters this Consent Order as a final judgment as to the elements of the Defendant's water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:



VICKIE L. GABIN, SPECIAL MASTER

ACCEPTED: Tom W. Stevenson Secretary to the state game commissioner
NM STATE GAME COMMISSION

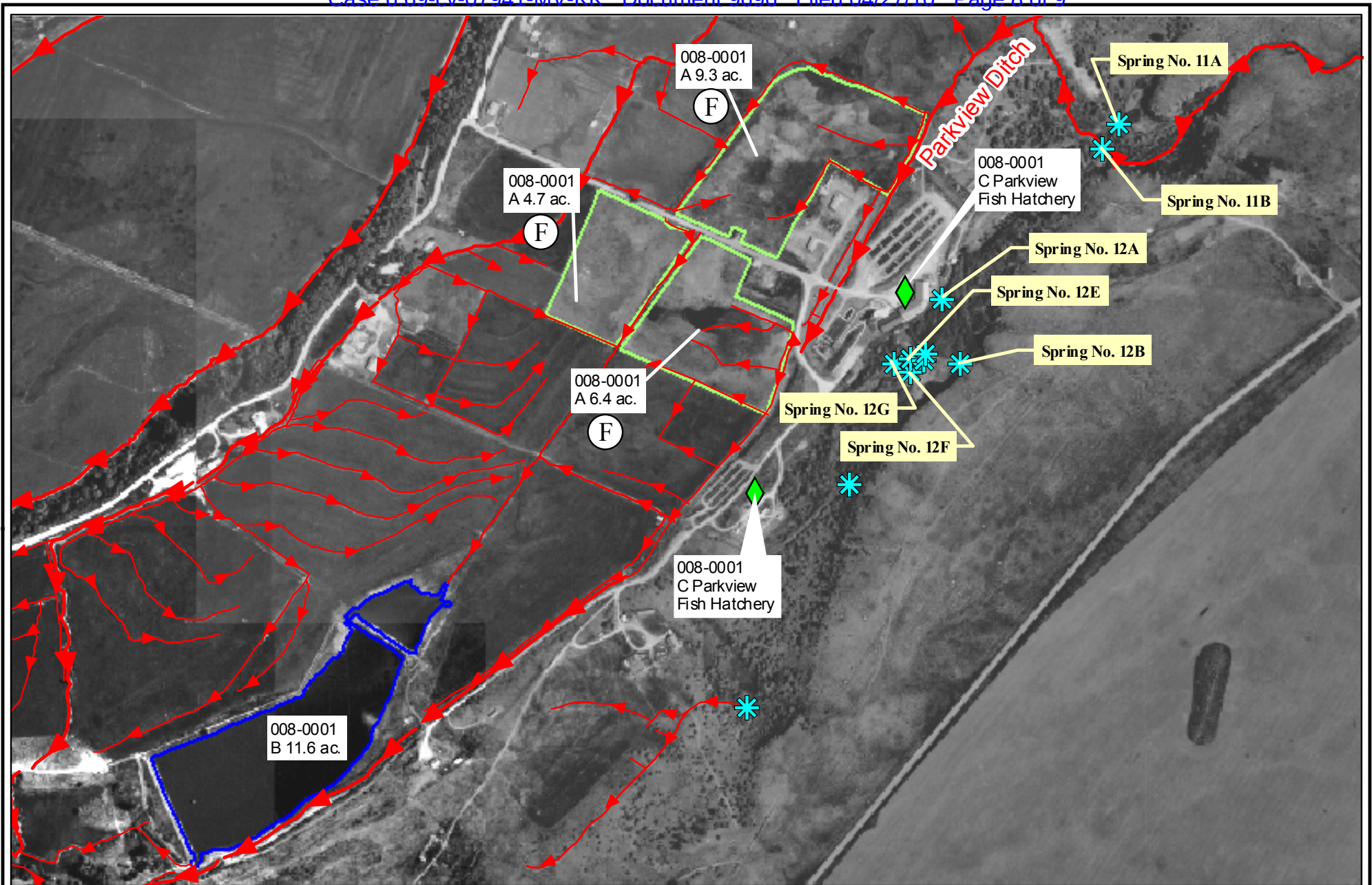
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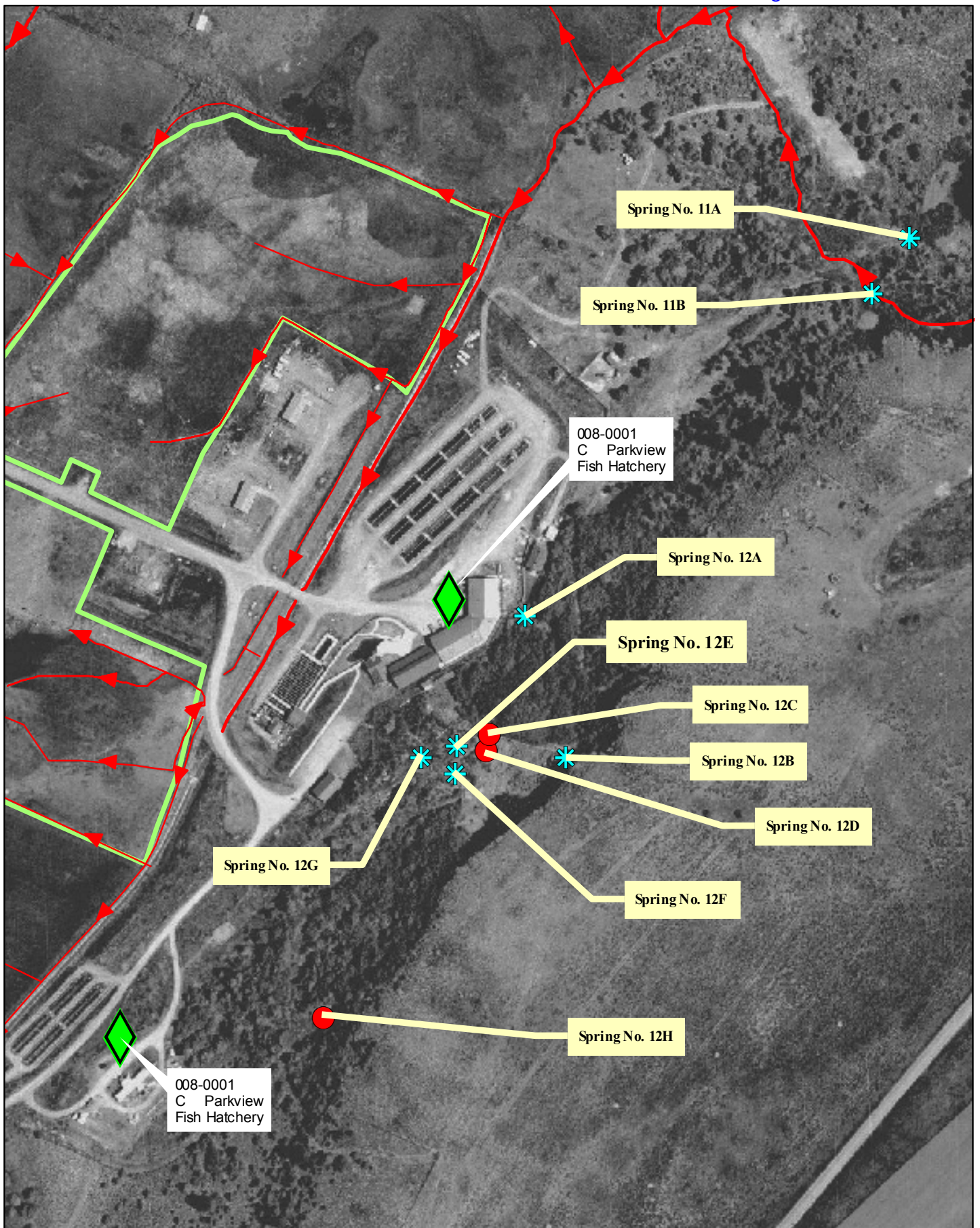


EDWARD G. NEWVILLE
Special Assistant Attorney General

4.10.2010
Date



<p>LEGEND</p> <ul style="list-style-type: none"> Irrigated Tract Boundary No Right Tract Boundary Seeped Area Operable Ditch Inoperable Ditch Stock Ponds / Reservoir Point of Diversion Well Spring Fallow No Right Fish Hatchery 	<p>1 inch = 550 feet</p> <p>0 137.5 275 550 Feet</p>	<p>STATE OF NEW MEXICO Office of the State Engineer John R. D'Antonio, Jr., P.E., State Engineer</p> <p>Rio Chama Hydrographic Survey Rio Brazos Section</p>	<p>Subfile Number CHRB 008-0001 Parkview Ditch and Springs No. 11A, 11B, 12A, 12B, 12E, 12F, 12G AMENDED January 26, 2010 Map 1</p>
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<p>LEGEND</p> <ul style="list-style-type: none"> Irrigated Tract Boundary No Right Tract Boundary Seeped Area Operable Ditch Inoperable Ditch Stock Ponds / Reservoir 	<ul style="list-style-type: none"> Point of Diversion Well Licensed Springs Unlicensed Springs 	<ul style="list-style-type: none"> Fallow No Right Fish Hatchery 	<p>1 inch = 250 feet</p> <p>0 62.5 125 250 Feet</p>	<p>STATE OF NEW MEXICO Office of the State Engineer John R. D'Antonio, Jr., P.E., State Engineer</p> <p>Rio Chama Hydrographic Survey Rio Brazos Section</p>	<p>Subfile Number CHRB 008-0001 Parkview Ditch and Springs No. 11A, 11B, 12A, 12B, 12C, 12D, 12E, 12F, 12G, 12H AMENDED January 26, 2010 Map 2</p>
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